

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LE'ONDRE WALKER, BJB737,

Plaintiff,

v.

JHON KEEN, et al.,

Defendant(s).

Case No. [21-cv-08799-CRB](#) (PR)

ORDER OF DISMISSAL

On November 12, 2021, plaintiff, a prisoner at the Alameda County Jail, Santa Rita Facility, filed a pro se prisoner complaint under 42 U.S.C. § 1983 and an accompanying motion to compel officials at the jail's prisoner trust account office to sign and complete his application to proceed in forma pauperis (IFP).

On November 16, 2021, the clerk notified plaintiff in writing that the action was deficient because plaintiff did not pay the requisite \$402.00 filing fee or, instead, submit a signed and completed court-approved IFP application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). The notice further advised plaintiff that failure to file the requested items within 28 days would result in dismissal of the action.

On December 15, 2021, the court denied plaintiff's motion to compel officials at the jail's prisoner trust account office to sign and complete his application to proceed IFP (namely to sign and complete the certificate of funds in the prisoner's account that is part of the court-approved IFP application) without prejudice and instructed plaintiff to "file, within 28 days of this order, a signed court-approved IFP application completed to the extent that he can and an accompanying declaration executed under penalty of perjury explaining why he cannot complete the application as required by § 1915(a)(2)." ECF No. 9 at 1-2. The court warned plaintiff that "[f]ailure to file

1 these items within 28 days of this order will result in the dismissal of this action without
2 prejudice.” Id. at 2.

3 More than 30 days have elapsed since the court’s December 15, 2021 order but plaintiff
4 has neither filed the required items nor sought an extension of time to do so. This action
5 accordingly is DISMISSED without prejudice.

6 The clerk is directed to close the case.

7 **IT IS SO ORDERED.**

8 Dated: January 18, 2022

A handwritten signature in black ink, appearing to be 'C. R. Breyer', written over a horizontal line.

CHARLES R. BREYER
United States District Judge